



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/025,555	12/26/2001	Eiji Teraue	Q67820	8332

7590 08/18/2008
SUGHRUE, MION, ZINN, MACPEAK & SEAS, PLLC
2100 Pennsylvania Avenue, N.W.
Washington, DC 20037-3202

EXAMINER

EBRAHIMI DEHKORDY, SAIED

ART UNIT	PAPER NUMBER
----------	--------------

2625

MAIL DATE	DELIVERY MODE
-----------	---------------

08/18/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/025,555

Applicant(s)

TERAUE, EIJI

Examiner

SAEID EBRAHIMI DEHKORDY

Art Unit

2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 May 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☒ Claim(s) 17-18 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

Response to Arguments

1. Applicant's arguments filed 11/19/07 have been fully considered but they are not persuasive. Applicant basic arguments over claims 1 and 5 is that the "arranging pictures according to event/sub-events does not necessarily include performing layout processing, such that images are disposed in the order of obtaining the image data, where the image data has been sequentially obtained. Consequently, Applicant submits that Loui fails to teach or suggest this unique feature". Examiner disagrees and points out that the obtained pictures as shown in Fig. 1 are in order 1-7 (note pages 2&3, paragraph 0021). The event are captured sequentially, for instance, the arrival to the picnic, playing soccer, having lunch, and so forth. Applicant also argues that the "The cited portion of Ishiguro appears to disclose an automatic paper selecting function, which automatically selects a paper feeding portion containing different sizes of sheets, so that images can be printed on a page without leaving out any portion of the images". Examiner disagrees and points out that the further passage on (column 5, lines 64) would in fact have the operator select the size of the sheet for the images to be formed in one sheet. Applicant has also argues over claim 9 limitations such as "The image data output apparatus according to claim 9, wherein data editing section arranges said image data automatically based on a setting for a margin size of an edge portion of the one sheet, and a setting for an interval size between images on the one sheet. Examiner points out that there are no limitations as underlined above in claim 9.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over LOUE et al (Pub. No.: US 20030072486) in view or Ishiguro et al (U.S. patent 5,053,831)

Regarding claim 1, 5 and 9 Loui et al disclose: An image data output apparatus (note Fig.1, paragraph 19) comprises: a data obtaining section (note Fig.1 item 34) for sequentially obtaining a plurality of image data representative of a plurality of images (note Fig.1 item 34, page 2 paragraph 0021 lines 8-14) a data editing section (page 4 paragraph 0042, also Examiner notes page 5, paragraph 0053, lines 13-17, where, when the algorithmic is not accepted by the user could override the automatic layout decision which is the act of editing the layout). for performing a layout processing that images represented by the image data sequentially obtained by said data obtaining section are disposed in order of obtaining of the image data by a number permitted in arrangement as many as possible on a maximum size of sheet of a plurality of predetermined sizes of sheets (note page 4 paragraph 0043, where the smallest page is chosen to layout maximum images which could fit on that page size) and editing image data representative of images disposed by the number permitted in arrangement as many as possible on the maximum size of one sheet onto image data representative of whole images to be recorded on the one sheet (note again page 4 paragraph 0043) and a data output section for outputting the image data edited by said data editing section together with data representative of a size of a sheet onto

which the whole images represented by the image data are recorded (note page 6, paragraph 0059). However Loui et al do not clearly disclose: a sheet selection section for automatically selecting from among the plurality of predetermined sizes of sheets a minimum size of sheet capable of recording the whole images represented by image data edited by said data editing section. On the other hand Ishiguro et al disclose: a sheet selection section for automatically selecting from among the plurality of predetermined sizes of sheets a minimum size of sheet capable of recording the whole images represented by image data edited by said data editing section (note column 1, lines 44-64, and specifically lines 55-64, where the automatic paper selection is used to select the paper of all the images to fit into, also note obtained pictures as shown in Fig.1 are in order 1-7 (note pages 2&3, paragraph 0021). The event are captured sequentially, for instance, the arrival to the picnic, playing soccer, having lunch, and so forth). Therefore it would have been obvious to a person of ordinary skill in art at the time of the invention to modify LOUI et al's invention according to the teaching of Ishiguro, Where Ishiguro et al teaches the way the paper selection means is used to chose the proper paper size to fit all the images in order to enhance the LOUI's invention (note column 1, line 65 through column 2, line 4 also note).

Regarding claim 2, 6 and 10 Loui et al disclose: The image data output apparatus according to claim 1, wherein in a state that one or more images are already disposed an a sheet of paper, when a new image represented by new image data subsequently obtained is disposed on .the sheet, said data editing section performs processing for disposing the new image, while an arrangement position on the sheet of the images already disposed on the sheet is fixed (note page 5, paragraph 0051, where the rotation section is used to rearrange the pictures on the template as

needed).

Regarding claim 3, 7 and 11 Loui et al disclose: The image data output apparatus according to claim 1, wherein in a state that one or more images are already disposed on a sheet of paper, when a new image represented by new image data subsequently obtained is disposed on the sheet, said data editing section performs processing for disposing the new image, while a position on the sheet of the images already disposed on the sheet is permitted in movement (note page 5, paragraph 0051-0053, where the templates are used to manipulate the images on the template by the user to add and arranged the image as needed).

Regarding claim 4, 8 and 12 Loui et al disclose: The image data output apparatus according to claim 1, wherein said data editing section performs processing in which images are disposed by a number permitted in arrangement as many as possible, permitting an arrangement in which images turn sideways (note Fig.3, where the images are arranged in sideways position).

Regarding claim 13 Loui et al disclose: The image data output apparatus according to claim 1, wherein the editing image data comprises graphically manipulating the whole images on the one sheet to which the whole images are to be recorded (note Figs.2&3, page 5, paragraphs 0051-0053).

Regarding claim 14 Loui et al disclose: The image data output apparatus according to claim 1, wherein the editing image data is performed, by a user, based on the layout processing performed on the images (note abstract, also note Fig.5, page 6, paragraph 0056).

Regarding claim 15 Loui et al disclose: The image data output apparatus according to claim 1, wherein the performing the layout processing comprises arranging the image data representative

of the plurality of images on a visual representation of the one sheet to which the whole images are to be recorded (note page 3, paragraph 0024).

Regarding claim 16 Loui et al disclose: The image data output apparatus according to claim 1, wherein the performing the layout processing is performed based on layout settings set by a user (note page 3, paragraph 0022, also note Fig.5, page 6, paragraph 0056).

Allowable Subject Matter

4. Claims 17-18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

CONTACT INFORMATION

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Saeid Ebrahimi-dehKordy whose telephone number is 703-306-3487. The examiner can normally be reached on Mon-Fri, 8:00am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Moore can be reached on 571-272-7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Saeid Ebrahimi-dehKordy/
Primary Examiner, Art Unit 2625
August 15, 2008